

# In the Supreme Court of the State of Idaho

IN RE: AMENDMENT OF IDAHO )  
CRIMINAL RULES (I.C.R.) 5.3(c)(7), ) ORDER  
10(a), 11(e), 12, 18, 23(c) and 32(h)(1) )  
\_\_\_\_\_ )

The Court having reviewed a recommendation from the Advancing Justice Committee and the Criminal Rules Advisory Committee to amend the Idaho Criminal Rules, and the Court being fully informed;

NOW, THEREFORE, IT IS HEREBY ORDERED that the Idaho Criminal Rules as they appear in the volume published by the Idaho Code Commission be, and they are hereby, amended as follows:

1. That Rule 5.3(c)(7) be, and the same is hereby, amended as follows:

## **Rule 5.3 Initial appearance on probation violations.**

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(c) **Initial Appearance.** At the arraignment on the alleged probation violation, the court shall:

(1) Advise the probationer that he or she is not required to make a statement and that any statement made may be used against the probationer;

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(7) If the probationer is arrested outside the county where placed on probation, ~~advise that:~~

(a) Advise that if If the probationer remains in custody, he or she will be transported and arraigned in the sentencing county within a reasonable time not to exceed fourteen (14) days. This time period may only be extended upon a showing of good cause.

(b) Further advise that if If the probationer posts bond, he or she will be given a date to appear before a magistrate for arraignment in the county of sentencing. At the arraignment in the sentencing county, counsel

will be appointed if requested and appropriate, and the probationer will be given a time to appear before the sentencing court.

(c) Cause the clerk to provide written notice to the clerk of the county where the probationer was placed on probation of the dates of the probationer's arrest and appearance before the court so that timely transport can be provided to the sentencing county. Upon receipt of the written notice, the clerk of the county where the probationer was placed on probation shall provide a copy of the notice to the parties in the case.

(d) Setting Bail. Upon advising the probationer of the above rights, the court may set bail for the probationer.

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2. That Rule 10(a) be, and the same is hereby, amended as follows:

**Rule 10. Arraignment on indictment or information.**

(a) **In general.** After an indictment or an information has been filed with the district court, the defendant must be arraigned thereon by the court. The defendant must appear in person at such arraignment. The arraignment shall take place within thirty (30) days following the filing of an information. If an indictment has been filed, the arraignment shall take place:

(1) if a summons has been issued following the indictment, within thirty (30) days of service of the summons;

(2) if a warrant has been issued following the indictment, and if the defendant is not in custody in the county in which the indictment is filed, within thirty (30) days of the defendant's initial appearance in the county issuing the indictment;

(3) in all other cases, within thirty (30) days of the filing of the indictment.

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3. That the Plea Advisory Form referenced in Rule 11(e) and found in Appendix A of these rules be, and the same is hereby, amended and is attached in its new form to this Order.

4. That Rule 12 be, and the same is hereby, amended as follows:

**Rule 12. – Pleadings and motions before trial - Form of pleadings -  
Defenses and objections**

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(c) Motions to suppress. A motion to suppress evidence shall describe the evidence sought to be suppressed and the legal basis for its suppression sufficiently to give the opposing party reasonable notice of the issues.

(e d) Form of pleading and documents. \*\*\*

(d e) Motion date. Motions pursuant to Rule 12(b) must be filed within twenty-eight (28) days after the entry of a plea of not guilty or seven (7) days before trial whichever is earlier. In felony cases, such motions must be brought on for hearing within fourteen (14) days after filing or forty-eight (48) hours before trial whichever is earlier. The court in its discretion may shorten or enlarge the time provided herein, and for good cause shown, or for excusable neglect, may relieve a party of failure to comply with this rule. Lack of access to relevant discovery may constitute good cause for enlarging the time provided herein or relieving a party of failure to comply with this rule.

(e f) Ruling on motion. \*\*\*

(f g) Effect of failure to raise defenses or objections. \*\*\*

(g h) Records. \*\*\*

5. That Rule 18 be, and the same is hereby, amended as follows:

**Rule 18. Felony Pretrial conference.**

(a) At any time prior to trial, the court, upon motion of any party or upon its own motion, may order one or more pretrial conferences to consider such matters as would promote a fair and expeditious trial. At the conclusion of the pretrial conference the court shall file a memorandum make a written record of the matters decided agreed upon.

(b) The court may hold an informal settlement conference off the record. No admissions made by the defendant or the defendant's attorney at the settlement conference shall be used against the defendant unless the admissions are reduced to writing and signed by the defendant and the defendant's

defendant's attorney or signed by the defendant if the defendant is self-represented. This rule shall not be invoked in a felony case where a defendant is not represented by counsel, except upon defendant's request.

6. That Rule 23(c) be, and the same is hereby, amended as follows:

**Rule 23. Trial by jury or by the court--Waiver of jury--Number of jurors.**

(a) **Felony cases.** In felony cases issues of fact must be tried by a jury, unless a trial by jury is waived by a written waiver executed by the defendant in open court with the consent of the prosecutor expressed in open court and entered in the minutes.

(b) **Misdemeanor cases.** In criminal cases not amounting to a felony, issues of fact must be tried by a jury, unless a trial by jury is waived by the consent of both parties expressed in open court and entered in the minutes.

(c) **Number of jurors.** In a felony case the jury shall consist of twelve (12) jurors ~~or any lesser number upon which the party may agree upon the record or in open court.~~ In a misdemeanor case the jury shall consist of six (6) jurors ~~or any lesser number upon which the parties may agree upon the record or in open court.~~ However, if felony and misdemeanor charges are charged together in the same information or indictment in a consolidated case, as provided in I.C.R. 8(a), and at least one (1) felony and one (1) misdemeanor will be tried together before the jury, they shall be tried before the same twelve-person jury.

7. That Rule 32(h)(1) be, and the same is hereby, amended as follows:

**Rule 32. Standards and procedures governing presentence investigations and reports.**

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**(h) Disclosure of presentence reports.**

(1) **Custody of presentence report.** Any presentence report shall be available for the purpose of assisting a sentencing court and once prepared may be released to any district judge for that purpose. After use in the sentencing procedure, the presentence report shall be sealed by court order, and thereafter cannot be opened without a court order authorizing release of the report or parts thereof to a specific agency or individual. Provided, the presentence report shall be available to the Idaho Department of Corrections so long as the defendant is committed to or supervised by the Department, and may be retained by the Department for three years after the defendant is discharged. If probation or parole supervision is transferred to another state, the Department may provide a copy of the presentence report to the supervising entity in that state. In addition, when

preparing a report on a defendant, a presentence investigator shall have access to previous presentence reports, including all attachments and addendums, prepared on that defendant, whether in the same case or in previous cases. The pre-sentence investigator's own copy of the presentence report similarly is restricted from use by all but authorized court personnel. Neither the defendant, defendant's counsel, the prosecuting attorney nor any person authorized by the sentencing court to receive a copy of the presentence report shall release to any other person or agency the report itself or any information contained therein, except as provided in Article 1, Section 22(9) of the Idaho Constitution. However, as provided in Article 1, Section 22(9) of the Idaho Constitution, the victim has a right to read, but not to have a copy of, the presentence report. Any violation of this rule shall be deemed contempt of court and subject to appropriate sanctions.

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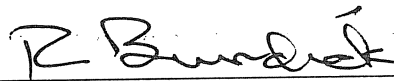
IT IS FURTHER ORDERED, that this order and these amendments shall be effective the first day of July 2015.

IT IS FURTHER ORDERED, that the above designation of the striking of words from the Rules by lining through them, and the designation of the addition of new portions of the Rules by underlining such new portion is for the purposes of information only as amended, and NO OTHER AMENDMENTS ARE INTENDED. The lining through and underlining shall not be considered a part of the permanent Idaho Criminal Rules.

IT IS FURTHER ORDERED, that the Clerk of the Court shall cause notice of this Order to be published in one issue of *The Advocate*.

DATED this 9 day of March, 2015.

By Order of the Supreme Court



Roger S. Burdick, Chief Justice

ATTEST: Stephen Kenyon  
Clerk

I, Stephen W. Kenyon, Clerk of the Supreme Court of the State of Idaho, do hereby certify that the above is a true and correct copy of the Order entered in the above entitled cause and now on record in my office.

WITNESS my hand and the Seal of this Court 3/12/15

STEPHEN W. KENYON

Clerk

By: Kimber Grove Deputy

IN THE DISTRICT COURT OF THE \_\_\_\_\_ JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF \_\_\_\_\_

GUILTY PLEA ADVISORY AND FORM

TO BE FILLED OUT BY THE DEFENDANT

Defendant's Name: \_\_\_\_\_ Signature \_\_\_\_\_

Date: \_\_\_\_\_ Case Number: \_\_\_\_\_

Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

**STATEMENT OF CONSTITUTIONAL RIGHTS**  
**(Please initial each response)**

1. You have the right to remain silent. You do not have to say anything about the crime(s) you are accused of committing. If you elect to have a trial, the State may not call you as a witness or ask you any questions. If you do decide to testify the State will be permitted to ask you questions and anything you say can be used as evidence against you in court.

I understand that by pleading guilty I am **waiving** my right to remain silent as to the elements of the crime(s) to which I am entering this plea. \_\_\_\_\_

2. The waiver of your right to remain silent only applies to your plea of guilty to the crime(s) in this case. Even after pleading guilty, you will still have the right to refuse to answer any question or to provide any information that might tend to show you committed some other crime(s). You can also refuse to answer or provide any information that might tend to increase the punishment for the crime(s) to which you are pleading guilty.

I understand that by pleading guilty to the crime(s) in this case, I still have the right to remain silent with respect to any other crime(s) and with respect to answering questions or providing information that may increase my sentence. \_\_\_\_\_

3. You have the right to be represented by an attorney. If you want an attorney and cannot pay for one, you can ask the Judge for an attorney who will be paid by the county. You may be required to reimburse the county for the cost of this representation. \_\_\_\_\_

4. You are presumed to be innocent. You will be found guilty if: 1) you plead guilty in front of the Judge; or 2) you are found guilty at a jury trial.

I understand that by pleading guilty I am **waiving** my right to be presumed innocent. \_\_\_\_\_

5. You have the right to a speedy and public jury trial before twelve persons. A jury trial is a court hearing to determine whether you are guilty or not guilty of the charge(s) brought against you. In a jury trial, you have the right to present evidence in your defense and to testify in your own defense. You are not required to do so, however. The State must convince all of the jurors of your guilt beyond a reasonable doubt.

I understand that by pleading guilty I am **waiving** my right to a speedy and public jury trial.

6. You have the right to question (confront) the witnesses testifying against you. This occurs during a jury trial. At trial, the State must prove its case by calling witnesses to testify under oath in front of you, the jury, and your attorney. Your attorney could then cross-examine (question) each witness. You could also call witnesses of your choosing to testify on your behalf. If you do not have the funds to bring those witnesses to court, the State will pay the cost of bringing your witnesses to court and will compel their attendance by the use of the subpoena power of the court.

I understand that by pleading guilty I am waiving my right to question (confront) the witnesses against me, and present witnesses and evidence in my defense. \_\_\_\_\_

7. The State has the burden of proving you guilty beyond a reasonable doubt.  
I understand that by pleading guilty, I am waiving my right to require the State to prove my guilt beyond a reasonable doubt. \_\_\_\_\_

#### QUESTIONS REGARDING ABILITY TO ENTER PLEA

(Please answer every question. If you do not understand a question, consult your attorney before answering.)

#### Please check the correct answer

1. Do you read and write the English language? YES \_\_\_\_\_ NO \_\_\_\_\_

If not, have you been provided with an interpreter to help you fill out this form? YES \_\_\_\_\_ NO \_\_\_\_\_

Do you want an Interpreter? YES \_\_\_\_\_ NO \_\_\_\_\_

2. What is your true and legal name? \_\_\_\_\_

3. What was the highest grade of school you completed? \_\_\_\_\_

4. If you did not complete high school, have you received either a general education diploma or high school equivalency diploma? YES \_\_\_\_\_ NO \_\_\_\_\_

5. Are you currently under the care of a mental health professional? YES \_\_\_\_\_ NO \_\_\_\_\_

6. Have you ever been diagnosed with a mental health disorder? YES \_\_\_\_\_ NO \_\_\_\_\_

If so, what was the diagnosis and when was it made? \_\_\_\_\_

\_\_\_\_\_

7. Are you currently prescribed any medication? YES \_\_\_\_\_ NO \_\_\_\_\_

If yes, what medications are you taking at this time? \_\_\_\_\_

\_\_\_\_\_

If you answered "yes," have you taken your prescription medication during the past 24 hours?

YES \_\_\_\_ NO \_\_\_\_

8. In the last 48 hours, have you taken any medication or drugs, **including over the counter**, or have consumed any alcoholic beverages which you believe affect your ability to understand these questions and to make a reasoned and informed decision in this case?

YES \_\_\_\_ NO \_\_\_\_

9. Are you under the influence of any alcohol, drugs, or other medication at this time?

YES \_\_\_\_ NO \_\_\_\_

10. Are you capable of understanding these proceedings?

YES \_\_\_\_ NO \_\_\_\_

11. Do you claim that you are mentally incapable of understanding these proceedings or what it means to plead guilty to a crime?

YES \_\_\_\_ NO \_\_\_\_

12. Is there anything going on in your life that affects your ability to enter a voluntary guilty plea?

YES \_\_\_\_ NO \_\_\_\_

13. Are you having any difficulty in understanding what you are doing by filling out this form?

YES \_\_\_\_ NO \_\_\_\_

14. Is there any other reason that you cannot make a reasoned and informed decision in this case?

YES \_\_\_\_ NO \_\_\_\_

If yes, what is the reason? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### PLEA AGREEMENT

15. Is your guilty plea the result of a plea agreement?

YES \_\_\_\_ NO \_\_\_\_

If so, what are the terms of that plea agreement?  
(If available, a written plea agreement **must** be attached hereto as "Addendum 'A'")

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If a written plea agreement was done, have you read this plea agreement?

YES \_\_\_\_ NO \_\_\_\_

16. Do you understand your plea agreement?

YES \_\_\_\_ NO \_\_\_\_

17. There are two types of plea agreements. Please initial the one paragraph below which describes the type of plea agreement:

- a. I understand that my plea agreement is a **non-binding** plea agreement. This means that the Court is not bound by the agreement or any sentencing recommendations, and may impose any sentence authorized by law, up to the maximum sentence. Because the Court is not bound by the agreement, if the District Court chooses not to follow the agreement, I will not have the right to withdraw my guilty plea. \_\_\_\_\_
- b. I understand that my plea agreement is a **binding** plea agreement. This means that if the District Court does not impose the specific sentence as recommended by both parties, I will be allowed to withdraw my plea of guilty and proceed to a jury trial. \_\_\_\_\_

18. Has your attorney or anyone else forced or coerced you in any way into accepting this plea agreement?

YES \_\_\_\_ NO \_\_\_\_

19. Have any other promises been made to you that have influenced your decision to plead guilty?

YES \_\_\_\_ NO \_\_\_\_

20. Has anyone told you what your sentence will be?

YES \_\_\_\_ NO \_\_\_\_

If so, what have you been promised?

21. Is this a conditional guilty plea in which you are reserving your right to appeal any pre-trial issues?

YES \_\_\_\_ NO \_\_\_\_

22. Have you waived your right to appeal your **judgment of conviction** as part of your plea agreement?

YES \_\_\_\_ NO \_\_\_\_

23. Have you waived your right to appeal your sentence as part of your plea agreement?

YES \_\_\_\_ NO \_\_\_\_

Under what condition can you appeal your sentence?

24. Do you understand that by pleading guilty you will waive (or give up) any defenses, both factual and legal, that you believe you may have in this case?

YES \_\_\_\_ NO \_\_\_\_

25. Have you discussed the elements of the offense(s) for which you are charged with your attorney?

YES \_\_\_\_ NO \_\_\_\_

## POTENTIAL SENTENCE

I am charged with the crime(s) of:

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I understand the Minimum & Maximum - Fine and Imprisonment:

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26. If you plead guilty to more than one crime do you understand that your sentences for each crime could be ordered to be served either **concurrently** (at the same time) or **consecutively** (one after the other)? YES \_\_\_\_ NO \_\_\_\_
27. Do you understand that if you plead guilty and you commit crimes in the future, this conviction could be considered in the future case and could cause more severe penalty in the future case? YES \_\_\_\_ NO \_\_\_\_

## ADDITIONAL CONSEQUENCES OF A GUILTY PLEA

28. Are you currently on probation or parole? YES \_\_\_\_ NO \_\_\_\_

If so, do you understand that a plea of guilty in this case could be the basis of a violation of that probation or parole  
**(WHICH MEANS THAT ANY SUSPENDED SENTENCE  
COULD BE IMPOSED AND ANY PAROLE REVOKED)?**

YES \_\_\_\_ NO \_\_\_\_

29. Are you aware that if you are not a citizen of the United States, the entry of a plea or making of factual admissions could have consequences of deportation or removal, inability to obtain legal status in the United States, and or denial of an application for United States citizenship? YES \_\_\_\_ NO \_\_\_\_

30. Does the crime to which you will plead guilty require you to register as a **sex offender**? (I.C. § 18-8304) YES \_\_\_\_ NO \_\_\_\_

31. Are you aware that if you plead guilty you may be required to pay **restitution** in this case? (I.C. §19-5304) YES \_\_\_\_ NO \_\_\_\_

32. Are you pleading guilty to a crime for which you may be required to pay the **costs of prosecution and investigation**? (I.C. § 37-2732 (k)), (I.C.R. 33(d)(2)) YES \_\_\_\_ NO \_\_\_\_

If so, have you and the State agreed upon the amount of this reimbursement?

YES \_\_\_\_ NO \_\_\_\_

If you have, what is the amount? \_\_\_\_\_

33. Have you agreed to pay restitution as a condition of your plea agreement? YES \_\_\_\_ NO \_\_\_\_

34. If the amount of restitution has not been agreed upon, do you understand that you cannot withdraw your guilty plea even if the restitution amount is determined to be higher than you thought it might be or should be?

YES \_\_\_\_ NO \_\_\_\_

35. Is a **license suspension** required as a result of a guilty plea in this case?

YES \_\_\_\_ NO \_\_\_\_

36. Do you understand that if you plead guilty you will be required to submit a **DNA sample** and **Right Thumbprint impression** to the State? (I.C. § 19-5506)

YES \_\_\_\_ NO \_\_\_\_

37. Are you pleading guilty to a crime for which the Court could impose a **fine** for a crime of violence of up to \$5,000, payable to the victim of the crime? (I.C. § 19-5307)

YES \_\_\_\_ NO \_\_\_\_

38. Do you understand that if you plead guilty to a felony, you will lose your right to **vote** in Idaho during the period of your sentence? (Id. Const. art.6, §3)

YES \_\_\_\_ NO \_\_\_\_

39. Do you understand that if you plead guilty to a felony, you will lose your right to hold **public office** in Idaho during the period of your sentence? (Id. Const. art.6, §3)

YES \_\_\_\_ NO \_\_\_\_

40. Do you understand that if you plead guilty to a felony, you will lose your right to perform **jury service** in Idaho during the period of your sentence? (Id. Const. art.6, §3)

YES \_\_\_\_ NO \_\_\_\_

41. Do you understand that if you plead guilty to a felony and or to a misdemeanor crime of domestic violence you will lose your right to purchase, possess, or carry **firearms**? (I.C. § 18-310, 18 U.S.C. § 922(g)(9))

YES \_\_\_\_ NO \_\_\_\_

42. Do you understand that by pleading guilty to a felony, you run the risk that if you have new felony charges in the future, you could be charged as a Persistent Violator? (I.C. §§ 19-2514, 37-2739)

YES \_\_\_\_ NO \_\_\_\_

#### RELATIONSHIP WITH YOUR ATTORNEY

43. Have you had sufficient time to discuss your case with your attorney?

YES \_\_\_\_ NO \_\_\_\_

44. Have you had adequate time to fill out this form?

YES \_\_\_\_ NO \_\_\_\_

45. Have you had adequate access to your attorney's assistance in filling out this form?

YES \_\_\_\_ NO \_\_\_\_

46. Your attorney can obtain various items from the prosecutor relating to your case. This may include police reports, witness statements, tape recordings, photographs, reports of scientific testing, etc. This is called "**discovery**." Have you had the opportunity to review the discovery provided by your attorney?

YES\_\_\_ NO\_\_\_

47. Do you want your attorney to take any further action in this case?

YES\_\_\_ NO\_\_\_

48. If you are not a **citizen** of the United States, have you talked to your attorney about the impact of your guilty plea on deportation, on your legal status in the United States and on obtaining United States citizenship?

YES\_\_\_ NO\_\_\_

49. Do you understand that no one, including your attorney, can force you to plead guilty in this case?

YES\_\_\_ NO\_\_\_

50. Are you satisfied with your attorney's representation?

YES\_\_\_ NO\_\_\_

If not, please state why you are dissatisfied?

**IF YOUR GUILTY PLEA IS THE RESULT OF A PLEA AGREEMENT REACHED THROUGH MEDIATION:**

51. Did you voluntarily enter mediation?

YES\_\_\_ NO\_\_\_

52. Did anyone force you, or coerce you, to enter into the plea agreement in the mediation?

YES\_\_\_ NO\_\_\_

53. Were you satisfied with the conduct of the mediation?

YES\_\_\_ NO\_\_\_

**ENTRY OF PLEA**

54. Are the answers throughout this form your own answers?

YES\_\_\_ NO\_\_\_

55. Are you entering your plea freely and voluntarily?

YES\_\_\_ NO\_\_\_

56. Do you understand the consequences of entering a guilty plea?

YES\_\_\_ NO\_\_\_

57. Are you admitting to all the elements of the crime(s) to which you are pleading guilty?

YES\_\_\_ NO\_\_\_

Or are you pleading guilty because you are entering an Alford Plea?

YES\_\_\_ NO\_\_\_

58. If you are entering an Alford Plea, do you understand that the Court will consider you just as guilty as if you enter a non-Alford plea?

YES\_\_\_ NO\_\_\_

59. Have you had any trouble answering any of the questions in his form which you could not resolve by discussing the issue(s) with you attorney?

YES\_\_\_\_ NO\_\_\_\_

60. If you were provided with an interpreter to help you fill out this form, have you had any trouble understanding your interpreter?

YES\_\_\_\_ NO\_\_\_\_

61. Do you need any additional time before you enter your guilty plea(s)?

YES\_\_\_\_ NO\_\_\_\_

62. Do you understand that if the Court accepts your guilty plea(s) that you may not be able to withdraw your plea(s) at a later date?

YES\_\_\_\_ NO\_\_\_\_

63. Is there anything else you want to tell the court about why you are pleading guilty?

YES\_\_\_\_ NO\_\_\_\_

I have answered the questions on pages 1-8 of this Guilty Plea Advisory Form truthfully, I understand all of the questions and answers herein, I have had the opportunity to discuss each question and answer with my attorney, and I have completed this form freely and voluntarily **WITH A COMPLETE UNDERSTANDING OF THE CHARGE(S) TO WHICH I AM PLEADING GUILTY AND WITH KNOWLEDGE OF THE POTENTIAL CONSEQUENCES OF THIS PLEA.** Furthermore, no one has forced me or threatened me to plead guilty.

DATE: \_\_\_\_\_

\_\_\_\_\_  
DEFENDANT

## POST PLEA RIGHTS

A presentence investigation will be ordered by the Court unless both you and the State waive that report and the Court approves that waiver. The Court may order evaluations as part of this investigation **AND THESE REPORTS WILL BE USED TO DETERMINE YOUR SENTENCE**. You have the right to remain silent during all proceedings and interviews from now until sentencing WHICH INCLUDES THE PRESENTENCE INVESTIGATION AND ANY COURT ORDERED EVALUATIONS.

The information in the presentence interview and any evaluations (which will include any statements you make in these processes) will be used by the Court in determining your sentence. In particular if you are ordered to undergo a psychosexual evaluation (which can include a polygraph examination), a domestic violence evaluation, a substance abuse evaluation or a mental health examination (which can include a psychological or psychiatric examination) you will be asked extensive questions and your answers to those questions may be used against you during sentencing.

1. Have you discussed the right to remain silent with your attorney? YES\_\_\_ NO\_\_\_
2. Do you understand the nature of these rights? YES\_\_\_ NO\_\_\_
3. Do you understand that you may waive these rights? YES\_\_\_ NO\_\_\_
4. Have you waived any of these rights in your plea agreement? YES\_\_\_ NO\_\_\_
5. Do you have any questions concerning either these rights or the waiver of these rights? YES\_\_\_ NO\_\_\_
6. Have you discussed with your attorney your rights regarding your attorney's attendance and presence during the presentence investigation or these various evaluations? YES\_\_\_ NO\_\_\_
7. Do you want the Court to order any particular evaluations to assist the Court in determining your sentence in this case? YES\_\_\_ NO\_\_\_

If yes, which evaluations and why?

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I ACKNOWLEDGE THE FOREGOING POST PLEA RIGHTS.

DATE: \_\_\_\_\_

\_\_\_\_\_  
DEFENDANT